

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 6539 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE K.R.VYAS

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?
1 to 5 No.
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STATE OF GUJARAT

Versus

BACHUBHAI HAMABHAI BARIYA

Appearance:

Mr.M.R.Anand,Government Pleader with Ms Amy Yagnik,AGP
for the appellant.

Mr.P.J.Kanabar for the respondents.

CORAM : MR.JUSTICE K.R.VYAS

Date of decision: 03/12/96

ORAL JUDGEMENT

The State of Gujarat has filed the present appeal challenging the judgment and decree passed in Civil Suit No.8/90 by the learned Civil Judge (S.D.),Amreli, awarding Rs.25,000/- with running interest at the rate of 12% per annum from the date of the suit till realisation and proportionate costs.

The respondent is the father of the deceased Vinodbhai. On 11th November ,1988 when the deceased Vinodbhai had gone to the field in the morning for doing labour work one lion came from the reserve forest and

attacked him and was killed by the lion . The respondent, therefore, filed the suit claiming Rs.70,000/- by way of compensation. The learned trial Judge, after considering the evidence on record and more particularly the resolution dated 30-5-91 issued by the Forest and Environment Department of the State Government, awarded Rs.25,000/- to the respondents.

Having heard Mr. M.R.Anand, learned Government Pleader and Senior Advocate for the appellant and Mr. Kanabar, learned Advocate for the respondent, I am of the opinion that the trial Court has rightly relied on the resolution dated 30-5-91 issued by the State Government. It has clearly been stated that the Government will provide compensation to the people as well as their cattle in case injuries are reported by the Forest Officers . The said resolution also provides the rates of compensation. Item No.2 of the Resolution provides payment of compensation of Rs.30,000/- in case of death of a human being. In view of this, it is clear that the respondent is entitled to get Rs.30,000/- by way of compensation as admittedly the deceased Vinodbhai was killed by the lion at a place outside the forest limits. Since the learned trial Judge has awarded only Rs.25,000/- and not Rs.30,000/- as provided in the said Resolution, to that extent the order of the learned trial Judge requires modification and the appellant is directed to pay Rs.30,000/- with costs and interest at the rate of 12% from the date of the suit till realisation. At this stage Ms Amy Yagnik, learned AGP has pointed out that at the time of the incident, the respondent was paid Rs.5000/- by the State Government. If that is so, the respondent would be entitled to Rs.25000/- with interest and costs.

Since the cross-objections have not been filed for claiming the rest of the amount, I see no reason to enhance the amount of compensation over and above Rs.30,000/- which the respondent is entitled under the aforesaid resolution of the Government dated 30-5-91.

In the result, this appeal fails and is dismissed with costs. The order of the trial Court is modified to the extent that the respondent is entitled to receive Rs.30,000/- by way of compensation with costs and interest at the rate of 12% from the date of the suit till realisation. At this stage Ms Amy Yagnik, learned AGP has pointed out that after the incident, the respondent was paid Rs.5000/- by the State Government. If that is so, the respondent would be entitled to

Rs.25000/- with interest and costs as aforesaid.

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